

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14080 of John Capanos, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the lot occupancy requirements (Sub-section 3303.1 and Paragraph 7105.12) and the rear yard requirements (Sub-section 3304.1 and Paragraph 7105.12) for a proposed addition to a row dwelling, a nonconforming structure, in an R-3 District at premises 3300 Q Street, N.W., (Square 1273, Lot 815).

HEARING DATE: December 21, 1983
DECISION DATE: January 11, 1984

FINDINGS OF FACT:

1. The application appeared on the preliminary agenda for the public hearing of December 21, 1983. The affidavit of posting was filed one day prior to the public hearing instead of five days as required by the Supplemental Rules of Practice and Procedure before the Board. The Chairman waived the Rules and the application proceeded to be heard on its merits.

2. The subject site is located on the southwest corner of the intersection of 33rd and Q Streets, N.W. The site is in an R-3 District and is known as premises 3300 Q Street, N.W.

3. The subject lot is approximately rectangular in shape. Its dimensions are 23.71 feet on the west, 21.22 feet on the east, and 79.52 feet on the north. The south side of the lot is in two segments with the eastern segment measuring 25.65 feet and the western segment measuring approximately 53.87 feet. The western segment is displaced to the south for 1.59 feet by a jog in the lot line. The subject lot has an area of 1,783 square feet.

4. The subject site is improved with a single-family row dwelling. The subject dwelling is a two-story brick structure. Other improvements on the site include a garden area located immediately east of the subject dwelling and a parking slab east of the garden at the eastern edge of the subject lot. The garden is enclosed by a low wooden fence.

5. There is access to and from the subject property through Q Street on the north and through 33rd Street on the east. There is no alley access. The site is a corner lot.

6. The subject square is developed with row dwellings along its eastern edge on 33rd Street. The subject dwelling is at the northern end of the row. The western four-fifths of the square is developed as the Georgetown playgrounds. The residential lots along the eastern edge of the square are of varying sizes. The subject lot is wider than eight of the thirteen residential lots in the square and has additional street frontage because of its location at a corner.

7. The subject square is located in the Georgetown Historic District. The surrounding area is developed with row dwellings and semi-detached dwellings. Other uses in the area are Georgetown University and the Convent of the Visitation to the west, Western High School and Gordon Junior High to the north, and a cemetery further north. The Wisconsin Avenue C-2-A strip is located two blocks to the east and there is a C-2-A strip six blocks to the south. The neighborhood area is zoned R-3 in all directions surrounding the subject site and is entirely medium density residential in development except for schools, churches and parks.

8. The subject dwelling was constructed during the 1800's at a time when there were no zoning regulations. The Zoning Regulations adopted in 1958 rendered the subject dwelling a nonconforming structure. The subject structure is located on a lot that is less than the minimum size required by the Zoning Regulations for lots in an R-3 District. The area of the existing lot is 1,783 square feet, whereas a minimum of 2,000 square feet is required. The width of the subject lot is 21.22 feet, which exceeds the twenty foot minimum width. The lot occupancy for the existing structure is 954.78 square feet which is less than the maximum permitted of sixty percent. The existing rear yard has 38.2 feet in depth, which exceeds the minimum of twenty feet. There are no side yards.

9. The subject dwelling is a carriage house that has been converted for residential use. It is located at the western end of the subject site and measures 41.32 feet from west to east and 23.71 feet from north to south. Originally, there was a commercial structure located at the eastern end of the site. The structure was used as a store. The footprint of the original commercial structure measures fourteen feet from east to west and 21.22 feet from north to south. The commercial structure was demolished in 1958 and the store site was paved with concrete to form a parking slab. The footings of the original commercial structure remain at the site. The slab is now used for parking and storage of garbage cans.

10. The configuration of the site was changed by the demolition of the commercial structure. The store was

originally considered to be the front of the site. The carriage house was an accessory building for the store. With the demolition of the store and the conversion of the carriage house, the address was changed from 33rd Street to Q Street and the carriage house became the main structure.

11. The subject dwelling is owned by the applicant and is occupied by his daughter and a roommate. Both full-time occupants are graduate students. The applicant occupies the dwelling on a part-time basis when he visits from Baltimore. The subject dwelling provides two bedrooms. The applicant finds that two bedrooms are inadequate for a household of three people. The applicant requires a third bedroom for his own use when he is in residence at the subject dwelling.

12. The applicant proposes to construct an addition on the footprint of the demolished commercial structure at the eastern edge of the subject site adjacent to 33rd Street. The proposed addition would have two stories and would provide a garage on the ground floor and a bedroom on the second story. The addition would be connected to the existing main structure by an enclosed walkway approximately two and a half feet in width. The connecting walkway would be only one story in height and would connect the residence to the garage. Inside the addition, a stairway would lead from the garage to the bedroom. No separate use would be made of the addition as a second dwelling unit.

13. The proposed addition would be constructed of brick and would be approximately the same height as the other dwellings in the row. The design, windows and brickwork of the proposed addition would be similar to the design of the existing dwelling. The garage entrance would be on the Q Street side and this would be the only external entrance to the addition. The connecting walkway would be enclosed by a brick wall on its south side adjacent to the adjoining dwelling and on its north side by a wall of glass panels facing onto the garden. The narrow two and a half foot width of the proposed walkway is designed to preserve the maximum garden area.

14. The proposed addition would occupy 381.02 square feet or twenty-one percent of the site. The existing dwelling occupies fifty-three percent of the site. The total lot occupancy would be seventy-four percent, whereas sixty percent is the maximum permitted. The garden would occupy the remaining twenty-six percent of the site. After construction of the addition, the garden would be surrounded on three sides by portions of the dwelling. Thus enclosed, it would be classified for zoning purposes as an open court. There would no longer be a space that would be considered a rear yard although a rear yard with a minimum depth of twenty feet is required. The proposed addition would thus require variances from the lot occupancy requirements of

Sub-section 3303.1 and Paragraph 7105.12 and from the rear yard requirements of Sub-section 3304.1 and Paragraph 7105.12.

15. The Board of Zoning Adjustment has the power to grant area variances under Paragraph 8207.11 of the D.C. Zoning Regulations where by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the original adoption of the regulations or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of the Zoning Regulations would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property provided such relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan.

16. Paragraph 7105.12 of the Zoning Regulations provides that enlargements or additions may be made to a non-conforming structure provided such structure is conforming as to percentage of lot occupancy, and further provided that the addition or enlargement itself is conforming as to use and structure, does not increase or extend any existing nonconforming aspect of the structure, and does not create any new nonconformity of structure and addition combined.

17. The subject lot is exceptionally shallow and therefore the area of the lot is less than the 2,000 square foot minimum lot area required in the R-3 District. The area of the lot is 1,783 square feet and its depth is 79.52 feet. At its existing width of 21.22 feet, the depth of the lot would have to be 94.25 feet in order to provide 2,000 square feet of lot area. This insufficiency of lot area renders the existing structure nonconforming and causes the proposed addition to exceed the maximum lot occupancy. If the subject lot were the normal size and depth for an R-3 rowhouse then the proposed addition could be built in conformance with the lot occupancy requirements.

18. The existing rear yard of 38.2 feet in depth includes the garden area and the parking slab. After construction of the proposed addition the garden area would have dimensions of 24.2 feet from east to west and approximately eighteen feet from north to south. The east-west dimension would exceed the required twenty foot depth for a rear yard. However, because the garden would then be located between the addition and the main structure it would not be considered a rear yard even though it would provide the amount of open space required by the regulations that govern rear yards.

19. The size and depth of the subject lot combined with the existing location of the structure permit no other possible alternative for expanding the dwelling space. Three alternatives were considered for adding a third bedroom. The first was to add a third story to the existing structure. The second was to extend the existing structure to the east. The third was to construct the proposed addition at the site of the existing parking slab.

20. If the addition were constructed as a third story on the existing structure, structural problems and historic design problems could result. The existing structure is more than one hundred years old and its footings may not be strong enough to accommodate a third story. Because of the layout of the stairs and the two existing bedrooms, extending the stairs to a third story would destroy one of the existing bedrooms thereby failing to provide the desired total of three bedrooms. The subject dwelling is located in an historic district and all the dwellings in the subject square are two stories high. To add a third story to the existing two-story structure would be inconsistent with the historic character of the square.

21. If the addition were constructed as an extension to the east side of the existing dwelling, the new construction would block the main entrance to the dwelling and eliminate almost half the windows of the existing structure thus blocking light to the east side of the dwelling. An addition adjoining the eastern side of the dwelling would also destroy the existing garden area that is adjacent to the dwelling. This would leave a green area smaller than a minimum rear yard and the balance of the open space would be occupied by an open parking space and an unenclosed trash storage area.

22. The proposed addition would recreate the two-story outline of the original structure on 33rd Street and would be consistent with all the other two-story dwellings in the subject square. The proposed addition could be built over the existing footings at the side of the demolished structure. The garden area would remain untouched except for the walkway connecting the addition with the main structure. The proposed addition would not interfere with light and air to the existing dwelling. The addition would enclose the visible open parking space and trash storage area as a ground-floor garage, thus providing the desired third bedroom on its second story without eliminating either the parking and trash area or the garden area.

23. The proposed addition would have no adverse affect on neighboring properties nor would it interfere with the intent and purpose of the R-3 District. The addition would be designed to be compatible in height and style to neighboring dwellings in the surrounding area. The subject

property provides more open space, light and air than other dwellings in the square because it is wider than other lots and has two street frontages due to its location at a corner. Other properties in the square have no on-site parking due to their smaller lot sizes and limited street access.

24. The proposed addition meets the requirements for enlargements or additions to nonconforming structures in that the addition would conform as to use and structure and in that the addition would not increase or extend any existing nonconformity. However, due to an exceptional condition of the property, the proposed addition would create a new nonconformity by exceeding the maximum permitted lot occupancy. The lot area is less than the required minimum because the dwelling was constructed prior to enactment of the D.C. Zoning Regulations, and this condition causes the lot occupancy with the addition to exceed the maximum.

25. The owner of the only adjoining property, which is located immediately south of the subject site, submitted two letters to the record. The first letter was written before the neighbor had seen the construction plans. In the first letter, the neighbor expressed concern that the proposed addition might block the attic ventilation system of the adjoining property. The second letter was written after the neighbor was shown the construction plans for the proposed addition. The second letter expressed that the adjoining neighbor had no objections to the proposed addition.

26. There was no opposition to the application.

27. Advisory Neighborhood Commission 2E made no report on the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking an area variance, the granting of which requires a showing through substantial evidence of a practical difficulty upon the owner arising out of some unique or exceptional condition of the property such as exceptional narrowness, shallowness, shape or topographical conditions. The Board further must find that the relief requested can be granted without substantial detriment to the public good and that it will not substantially impair the intent and purpose of the zone plan.

The Board concludes that the applicant has met this burden of proof in showing a practical difficulty inherent in the property. The shallowness and small area of the subject lot and the historic character of the subject

dwelling are exceptional conditions that cause the construction of the proposed addition to violate the Zoning Regulations and that prevent alternative locations for construction of the addition from being feasible.


The Board further concludes that permitting the proposed addition will not cause substantial detriment to the public good nor will it substantially impair the intent and purpose of the zone plan. The proposed structure is not objectionable to the neighborhood and will permit a reasonable use of private property. Accordingly, it is hereby ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

1. Construction shall be in accordance with the plans marked as Exhibit No. 20A of the record.
2. No exterior doors, other than the garage entrance shall be provided the proposed addition.

VOTE: 3-0 (Lindsley Williams, Carrie L. Thornhill and Douglas J. Patton to grant; William F. McIntosh not present, not voting; Charles R. Norris not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: _____

MAY - 4 1984

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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